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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,974	05/10/2001	Alan Torr	10965/3	4932

7590

09/05/2003

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EXAMINER

JAGAN, MIRELLYS

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,974

Applicant(s)

TORR, ALAN

Examiner

Mirellys Jagan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 18, 19, and 21 is/are allowed.
- 6) ☒ Claim(s) 17, 20, and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The proposed drawing correction filed on 7/9/03 is approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,758,427 to Feichtinger et al [hereinafter Feichtinger].

Feichtinger discloses a coupler (2) for mounting a stator of an angle-measuring device (1) on a stationary object (3). The angle-measuring device comprises a rotor having a graduation that is connected to a rotating object to rotate around an axis of rotation (D) so that a scanning unit of the stator may scan the graduation. The coupler (2) is fastened to the stationary object (3) so as to seat the stator in the coupler. The stator has a contact face that extends transversely to the axis (D) and engages a contact face (the inside surface of the framework formed by 13-16) of the coupler, which also extends transversely to the axis, when the stator is moved axially toward the stationary object and fitted within the spring arms (6,7) of the coupler such that a clamping force is generated to fasten the stator to the coupler. Screws may be used to further secure the stator to the coupler. The coupler and stator are moved axially toward the stationary object (3), wherein

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the coupler is fastened to the stationary object in a manner fixed against relative rotation by contacting a contact face of the coupler (8a,b; 9a,b) to a contact face (17) of the stationary object.

Referring to claim 20, in utilizing the device disclosed by Feichtinger to mount a stator of an angle-measuring device on a stationary object, the method steps of claim 20 would inherently be followed.

Allowable Subject Matter

4. Claims 1-16, 18, 19, and 21 are allowed.
5. The examiner's statement of reasons for allowance is in Paper No. 10.

Response to Arguments

6. Applicant's arguments filed 7/9/03 have been fully considered but they are not persuasive.

Applicant's argument that Feichtinger fails to anticipate claims 17 and 20 because Feichtinger fails to disclose a contact face that extends transversely to an axis of a rotor and engages a contact face of a coupler is not persuasive.

Referring to claim 17, applicant's argument is not persuasive since Feichtinger disclose a stator having a contact face (A) that extends transversely to an axis (D) of a rotor and engages a contact face (the inside surface of the framework formed by 13-16) of a coupler (2) (see the figure below).

Applicant's argument that Feichtinger fails to anticipate claim 20 because Feichtinger also fails to disclose axially moving a measuring device to cause clamping of a coupler to a stationary object is not persuasive since Feichtinger discloses that the measuring device (1) is attached to the coupler (2) by being slid into spring arms (6 and 7), which clamp the measuring device therein. The coupler, which is attached to the measuring device, is slid into the opening (17) by compressing the spring arms (8a,b; 9a,b) until they slide into the tube (17) and spread out to provide a clamping force against the tube (17) (see column 3, lines 25-28, and column 4, lines 15-27). Therefore, Feichtinger anticipates claim 20 since he discloses that a measuring device (1) is moved axially (D) toward a stationary object (3) such that a contact face (8a,b; 9a,b) of the coupler (2) comes into contact with a contact face (17) of the stationary object.

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Applicant's argument that Feichtinger fails to anticipate claim 22 because Feichtinger fails to disclose that the clamping force is generated by axial displacement of the stator is not persuasive since Feichtinger discloses that the stator (1) is attached to the coupler (2) by being slid into spring arms (6 and 7), which clamp the measuring device therein (see column 3, lines 25-28, and column 4, lines 15-27). Therefore, Feichtinger anticipates claim 22 since he discloses that the clamping force is generated by axial displacement of the stator in between the spring arms.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 703-305-0930. The examiner can normally be reached on Monday-Thursday from 8AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 703-308-3875. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

mj
August 21, 2003



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800